

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Henry Fletcher,)
Plaintiff,) C/A No. 0:17-1604-MBS-PJG
vs.)
Sgt. Jackie Trusdale,)
Defendant.)

)

OPINION AND ORDER

Plaintiff Henry Fletcher is an inmate in custody of the South Carolina Department of Corrections. Plaintiff currently is housed at Kershaw Correctional Institution in Kershaw, South Carolina. Plaintiff, proceeding pro se and in forma pauperis, filed a complaint on June 16, 2017, alleging that Defendant Jackie Trusdale violated his constitutional rights in various respects. Plaintiff brings this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling.

Plaintiff filed a motion for a temporary restraining order on October 23, 2017. Plaintiff asserts that he and a nonparty correctional officer got into a verbal altercation and that he missed a meal as a result. Plaintiff seeks a restraining order against Defendant and the correctional officer, “both of D-1 Shift.” ECF No. 38. On December 6, 2017, the Magistrate Judge filed a Report and Recommendation in which she observed that the relief requested was not available against an individual who is not a defendant in this matter. The Magistrate Judge also found that Plaintiff had failed to satisfy the elements to prevail on a motion for injunctive relief set forth in Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008) and other precedents. Accordingly, the Magistrate Judge recommended that Plaintiff’s motion be denied. No party filed objections to the Report and

Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s motion for a temporary restraining order is **denied**. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

January 11, 2018